

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

JANNETTE DIES,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:04-0113
)	Judge Trauger
PROVIDENT LIFE AND ACCIDENT)	Magistrate Judge Griffin
INSURANCE COMPANY, et al.,)	
)	
Defendants.)	

O R D E R

For the reasons expressed in the accompanying Memorandum, the Motion for Judgment on the Pleadings (Docket No. 36) filed by Plaintiff Jannette Dies is **DENIED**.

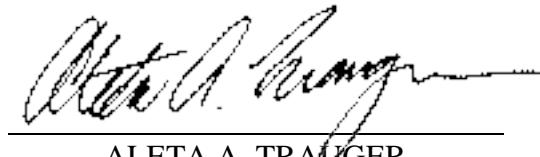
The Motion for Summary Judgment (Docket No. 40) filed by Defendants Nissan North America, Inc. and Nissan North America, Inc. Long Term Disability Plan is **GRANTED IN PART** and **DENIED IN PART**. Specifically, the Motion is **GRANTED** as to Plaintiff's claim for a judicial determination of eligibility for long-term disability benefits under the Plan and for attendant benefits from Nissan. These claims are moot. However, the Motion is **DENIED** as to Plaintiff's claim for penalties under ERISA § 502(c) for Defendants' failure to produce Plan documents.

The Motion for Summary Judgment on Plaintiff's Claim for ERISA § 502(c) Penalties for Failure to Provide Plan Documents filed by Plaintiff (Docket No. 61) is **GRANTED**. Defendants are hereby **ORDERED** to pay the penalty of \$25 per day per document for a period of 160 days (February 11, 2004 to July 20, 2004) in the amount of \$8,000.00, and an additional penalty of \$25 per day per document for a period of 413 days (February 11, 2004 to March 31, 2005) in the amount

of \$20,650.00, for a total penalty assessed of \$28,650.00. Each party will bear its own attorney's fees and costs.

It is so **ORDERED**.

Entered this 25th day of January 2006.



ALETA A. TRAUGER
United States District Judge